

Notice of Allowability

Application No.

09/804,050

Examiner

Lars A Olson

Applicant(s)

FORBES, JAMES W.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received from the applicant on August 27, 2004.
2. ☒ The allowed claim(s) is/are 11-45.
3. ☒ The drawings filed on 12 March 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>07162004, 07162004</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

1. An amendment was received from the applicant on August 27, 2004.
2. Claims 1-10 and 46-48 have been canceled.

Reasons for Allowance

3. Claims 11-45 are allowed.
4. The following is an examiner's statement of reasons for allowance. The dropped deck center beam railroad car as claimed is not shown or suggested in the prior art because of the use of a center beam railroad car that is comprised of a deck structure having first and second end portions and a medial portion that is stepped downward relative to said end portions, first and second end bulkheads that extend upwardly from opposite ends of said deck structure, and a central beam assembly that runs lengthwise along said railroad car between said end bulkheads and stands upwardly from said deck structure, where said end bulkheads extend to a greater height than said central beam assembly, and said medial portion is stepped downward relative to said end portions by at least 30 inches. The prior art also does not show or suggest the use of a center beam railroad car in combination with a center sill, a draft pocket cap plate that is mounted within an end portion of said center sill between a pair of spaced apart webs and lies at a lower level than a deck sheet, and a draft pocket that is defined between said pair of webs and below said draft pocket cap plate. The prior art also does not show or suggest the use of a medial portion of a railroad car deck structure that is

connected to an end portion of said deck structure by a transition member that includes a foothold to facilitate ascent of said end portion from said medial portion of said deck structure. The prior art also does not show or suggest the use of a center beam railroad car with a bulkhead having at least one shear panel extension mounted to a bulkhead sheet and extending longitudinally outboard therefrom, where said shear panel extension lies longitudinally outboard of a shear panel and between the webs of a central vertical post.

5. The prior art as disclosed by Dominguez et al. (US 4,951,575) shows the use of a center beam railroad car with a deck structure, first and second end portions with a medial portion that is stepped downward between said end portions, first and second end bulkheads that extend upwardly from opposite ends of said deck structure, a central beam assembly that runs lengthwise between said bulkheads and stands upwardly from said deck structure, a center sill and a pair of side sills. However, the end bulkheads as disclosed by Dominguez et al. do not extend above said central beam assembly, and said medial portion is only stepped downward by 14 to 18 inches, instead of at least 30 inches. Beals (US 5,943,963) discloses a railroad flat car with a pair of end bulkheads that extend to a greater height than the sidewall supports as shown in Figure 1.

However, Beals does not provide sufficient teaching to indicate that said end bulkheads may be used in combination with a central beam assembly, where said end bulkheads would extend upwardly to a greater height than said central beam assembly. Therefore, the prior art cited does not show or suggest the use of a center beam railroad car that is comprised of a deck structure having first and second end portions and a medial portion

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that is stepped downward relative to said end portions, first and second end bulkheads that extend upwardly from opposite ends of said deck structure, and a central beam assembly that runs lengthwise along said railroad car between said end bulkheads and stands upwardly from said deck structure, where said end bulkheads extend to a greater height than said central beam assembly, and said medial portion is stepped downward relative to said end portions by at least 30 inches. The prior art also does not show or suggest the use of a center beam railroad car in combination with a center sill, a draft pocket cap plate that is mounted within an end portion of said center sill between a pair of spaced apart webs and lies at a lower level than a deck sheet, and a draft pocket that is defined between said pair of webs and below said draft pocket cap plate. The prior art also does not show or suggest the use of a medial portion of a railroad car deck structure that is connected to an end portion of said deck structure by a transition member that includes a foothold to facilitate ascent of said end portion from said medial portion of said deck structure. The prior art also does not show or suggest the use of a center beam railroad car with a bulkhead having at least one shear panel extension mounted to a bulkhead sheet and extending longitudinally outboard therefrom, where said shear panel extension lies longitudinally outboard of a shear panel and between the webs of a central vertical post.

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Conclusion

6. Any comments considered necessary by the applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

7. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (571) 272-6685.

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May 12, 2005

LARS A. OLSON
PRIMARY EXAMINER

Lars Olson
5/12/05